IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 1053 OF 2005

Maharashtra State Basketball Association .. Petitioner

V/s

Basketball Federation of India & Ors. .. Respondents

Mr. Shyam Diwan i/b Mr.V.S. Kapse for the Petitioner.

Mr. Niranjan Pandit with Mr.G.V. Aiman for Respondent No.1.

Mr.A. Sayyed, A.G.P. for Respondent No.2.

CORAM : H.L. GOKHALE &
S.C. DHARMADHIKARI, JJ.

DATE : 29TH APRIL 2005

P.C. :

1. Heard the learned counsel for the parties.

2. The petition seeks to challenge the decision arrived at by Respondent No.1 - Basketball Federation of India whereunder it has recognised the group led by one Mr.Shanbag as the one representing Maharashtra State Basketball Association. The Petitioner had filed one petition earlier. That was decided by this Court on 16th March 2005. The Federal Body was directed to give a hearing to the Petitioner as well as to Mr.Shanbag and to go through the submissions and record of both the parties. That has been done by the Federal Body and

thereafter it has come to the conclusion that it is the group led by Mr.Shanbag which represents the Maharashtra State Basketball Association. In the meeting held by the Federal Body, both the groups were permitted to make their submissions. The members from different States were present. They asked the Petitioner as to why Annual General Meeting was not held for a period not less than 7 years and accounts were not passed. There were various grievances of the similar type. It is in all these circumstances that the Federal Body came to the conclusion that Mr.Mukund Dhus, who has filed this petition, cannot be continued to represent the Maharashtra State Basketball Association.

3. Mr.Diwan, learned counsel for the Petitioner, submitted that the decision is perverse. Mr.Dhus has done lot of laudable work in holding various competitions etc. As against that, we have seen the report of the Federal Body. It shows that there were grievances with respect to financial irregularities in holding Annual General Meeting and in submitting the accounts. The Constitution of the Federal Body was shown to us by Mr.Diwan. The Constitution Rule 14 requires that members have to abide by the Constitution Rules and the decision of the Federation. In the instant case, the Federation was of the opinion that

Mr.Dhus has not followed the rules and regulations requiring holding of Annual Meeting and maintaining accounts regularly. It was within the powers of Federal Body to take the decision as to who should represent the State Body, which is what the Federal Body has done. We do not find that there is any violation of principles of natural justice nor the order is perverse in any manner. Petition is dismissed.

(H.L. GOKHALE, J.)

(S.C. DHARMADHIKARI, J.)